

REMARKS

Claims 1-10 are pending and under consideration.

Claims 1, 3-4, 6-7 and 9-10 are rejected under 35 USC §103(a) as being unpatentable over Mol et al., US Patent 5,856,855, in view of Wortman et al., US Patent 5,771,328.

The Examiner cites Mol et al. for projections 33. Mol et al. describes the projections 33 at column 9, lines 10-26. This excerpt refers to Japanese Patent Publication 2-257188.

Enclosed is an English Language abstract for this reference. The abstract indicates that a regulating board 4 guides light diffused from each point on the diffusing board 3 in a direction vertical to the diffusing board 3. It therefore appears that the regulating board 4 is separate from the diffusing board 3.

As the Examiner admitted, Mol et al. fails to teach an emission face having light scattering elements and a rough area smaller in roughness than the light scattering elements.

In addition, elements 33 of Mol et al. are not light scattering elements but radiation concentrating elements, as described at col. 9, line 23 of Mol et al. Needless to say, "scattering" and "concentrating" are completely different optical functions. Basically, scattering is caused by roughness given to an emission face. Roughness spoils any radiation concentrating effect.

The Examiner indicates that Wortman, et al. discloses the claimed construction of the light guide plate in FIGS. 3 and 7. However, the Examiner is apparently incorrect as argued repeatedly. FIG. 3 shows small and large elements 36 and 38 provided on a light directing film 30. However, the elements 36 and 38 are nothing but prism elements. As is known well, the optical function of prism elements is a regular light deflecting affect based on refraction and inner-reflection. This is quite different from scattering caused by roughness.

Even if the elements 36 and 38 had an optical function similar to that of the light scattering elements of the present invention, the elements 36 and 38 are not formed on a light guide plate, but on a light directing film 30. As argued repeatedly, light directing film 30 does not correspond to the light guide plate in the present invention because the light directing film 30 has not any minor face to provide an incidence end face which is supplied with light from a primary light source sideways. Light directing film 30 receives light through a backside major face of the film 30.

Still further, even if Wortman et al. suggested that light scattering should be used on an emission face, Mol et al. teaches light concentrating. Mol et al. teaches away from light

scattering. It would not have been obvious to modify Mol et al. to provide any light scattering function on the emission face.

Claims 1-10 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3, 6 and 9 of US Patent 6,339,458 to Ohkawa.

Applicants are entitled to application of the two-way obviousness test. At the third paragraph on page 4 of the Office Action the Examiner states "Applicants have not provided [any reason] why [the] claims could not have been filed in the same application." The Examiner is apparently referring *In re Berg*, 140 F. 3d 1428, 46 USPQ 2d 1226 (Fed. Cir. 1998). A copy of this decision is enclosed.

The present application has a priority date of June 12, 1998. Ohkawa has a priority date of September 10, 1999. Applicant simply did not know of the Ohkawa invention at the time when the predecessor of the present application was filed. To avoid losing any rights associated with the claims of the present application, it was necessary to file the present application first. Applicants did not cause this earlier filed application to be pending beyond the patent date of Ohkawa.

According to the two way obviousness test, the claims of the present application must be obvious in view of the claims of Ohkawa and the claims of Ohkawa must be obvious in view of the present invention. Claims 3, 6 and 9 of Ohkawa recite that the covering density of the emission promotion regions tends to decrease according to the distance from the incidence face. The claims of the present application refer to light scattering elements and a rough area, not to emission promotion regions. Further, the claims of the present application do not suggest that the covering density of second emission promotion regions should decrease according to distance from an incidence face. Thus, claims 3, 6 and 9 of Ohkawa are non-obvious in view of claims 1-10 of the present application.

The claims of the present application refer to a rough area formed on and around the light scattering elements such that the light scattering elements and an area surrounding the light scattering elements are roughened. The claims of Ohkawa refer to emission promotion regions, but make no mention of rough areas. Accordingly, the claims of the present application are non-obvious in view of the claims of Ohkawa.

Because the claims of the present application and/or the claims of Ohkawa are non-obvious, the obviousness-type double patenting rejection should be withdrawn.

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There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: M. J. Henry
Mark J. Henry
Registration No. 36,162

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501